

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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RIO MAR ASSOCIATES, L.P., S.E., a Delaware Limited Partnership, d/b/a THE WESTIN RIO MAR BEACH RESORT,

Case No. 07 CV 8227 (GBD)

Plaintiff,

REPLY DECLARATION

-against-

MIXSHOW POWER SUMMIT, INC., a New York corporation; THE POWER SUMMIT, INC., a New York corporation; RPM MARKETING & PROMOTIONS, INC., a New York corporation; and RENE McLEAN, a New York resident,

Defendants.

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PETER M. AGULNICK, pursuant to 28 U.S.C. §1746, states the following under penalty of perjury:

1. I am a principal of the law firm of Peter M. Agulnick, P.C., counsel of record for Defendants THE POWER SUMMIT, INC., RPM KARKETING & PROMOTIONS, and RENE McLEAN (hereinafter collectively "my clients"). I am fully familiar with this case based upon a review of the file maintained in my office.

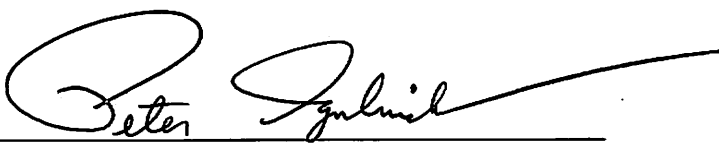
2. I submit this declaration in reply to "Plaintiff's Response to Motion to Dismiss Action and Vacate Default Judgment," dated November 14, 2007.

3. Plaintiff's responsive papers correctly admit that service was improper requiring that the default judgment against my clients be vacated (Plaintiff's responsive papers at p. 3).

4. On a different subject, Plaintiff's counsel incorrectly believes that my moving papers insinuate that Plaintiff's counsel made "intentional" misrepresentations to this Court. (Plaintiff's responsive papers at p. 3). This is untrue. I do not believe Plaintiff's counsel made

any "intentional" misrepresentations to this Court and I have never requested sanctions against Plaintiff's counsel. I presume the above eliminates any ambiguity on this issue.

Dated: New York, New York
November 14, 2007



PETER M. AGULNICK (PA 5030)